

REMARKS

Claims 1-2 and 4-5 are pending in this application, all of which have been amended.

Claim 3 has been canceled. No new claims have been added.

Claims 1 and 3 stand rejected under 35 USC §102(b) as anticipated by U.S. Patent 5,301,678 to Watson et al. (hereinafter "**Watson et al.**".)

Applicants respectfully traverse this rejection.

Watson et al. discloses a stretchable band incorporating a conductor for disposition around the human torso or other three-dimensional object, and particularly intended for use with respiration monitoring apparatus. Column 7, lines 49-50 disclose that wire 22 in band 10 comprises an inductive component in an LC oscillator circuit.

The band of **Watson et al.** is adapted to be wrapped around and, therefore, attached to the human body. In contrast, in the present invention, the sensor 2 is not attached to the human body and is installed in a mat adapted to lie under the human body.

Accordingly, claim 3 has been canceled and its limitations added to claim 1, and the 35 USC §102(b) rejection should be withdrawn.

Claims 2, 4 and 5 stand rejected under 35 USC §103(a) as unpatentable over **Watson et al.** in view of U.S. Patent 6,142,953 to Burton et al. (hereinafter "**Burton et al.**".)

Applicants respectfully traverse this rejection.

Burton et al. has been cited for teaching an alternate inductive plethysmograph including a coil 26 and 27 wrapped around an elastic member 21/25 or 22/26.

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Response to Office Action dated October 1, 2004

Burton et al., like Watson et al., is designed to be attached to or, in this case, worn on a belt on the human body. As noted above, the present invention is not attached to the human body, as recited in the amendments to claim 1, from which these claims depend.

Thus, the 35 USC §103(a) rejection should be withdrawn.

In view of the aforementioned amendments and accompanying remarks, claims 1-2 and 4-5, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Enclosures: Substitute Abstract of the Disclosure

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